

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 5/12/03.

I. DISPUTE

Whether there should be reimbursement for assistant surgical fee for spinal surgery 63042-80, 22625-80, 22650-80, 22830-80 performed 8/16/02 and denied by the carrier as not preauthorized.

II. RATIONALE

Rule 134.600 (b)(1) states, "The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care required to treat a compensable injury... when...

- (B) preauthorization of any health care listed in subsection (h) of this section was approved prior to providing the health care;"

Rule 134.600 (h) states, health care requiring preauthorization includes...(i)

- (1) Spinal surgery..."

The requestor claims a medical emergency existed as the reason there is no preauthorization for the disputed services. The preauthorization of 6/27/02 indicates the carrier gave preauthorization for hardware removal but would "continue to deny requested exploration of fusion and foraminotomy..."

This indicates that the medical necessity of additional surgery had been contemplated by the requestor and preauthorization requested prior to surgery. With this in mind, the medical documentation does not support that the need for emergency surgery was present at the time of the surgery. Reimbursement is not recommended.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for assistant surgical fees for spinal surgery 63042-80, 22625-80, 22650-80, 22830-80.

The above Findings and Decision are hereby issued this 09th day of March 2004.

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Medical Review Division